

JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE

November 16, 2017

Room 544

The Joint Legislative Emergency Management Oversight Committee met on Thursday, November 16, 2017 at 9:10AM. The meeting was held in Room 544. Members present were: Representatives Faircloth, Boles, Martin, Pierce, Pittman, and Speciale. Also present were Senators Rabin, Alexander, Sanderson, and Van Duyn.

Representative Faircloth presided.

Representative Faircloth thanked everyone for attending. He stated that the committee plan is to introduce some recommendations of legislation for the spring session. He asked the members to make the chairs aware of any concerns that can be addressed in future meetings.

Senator Rabin stated that there is plenty of evidence in the world that shows how important the topics are that are being discussed at the committee meetings. In many ways they are responsible for the safety of the people in North Carolina. It is not an easy task, but he hopes that the committee members and audience will listen to what is presented in the meetings with a view toward improving our situation to the maximum extent possible.

Representative Faircloth introduced the Sergeant at Arms. A motion was made for the approval of the October 12, 2017 minutes. The minutes were approved.

North Carolina Information Sharing and Analysis Center (ISAAC).

Mr. Dirk German, Special Agent In-Charge of the North Carolina State Bureau of Investigation presented. The ISAAC Team joined Mr. German in the presentation. The Team Members are Elliott Smith, Assistant Special Agent in Charge, Theresa Tanner, Assistant Special Agent in Charge, Nichole Poole Scott, Supervisory Analyst, Jody Marks, Senior Analyst, Nick Klem, DHS Intelligence Officer, Melissa Roberts, NCSHP Analyst, and Jon Paul Guarino, Gang Net Administrator.

(See Presentation 1).

Q: Representative Faircloth asked Ms. Nichole Poole Scott what the division line is between serious crime and terrorism for the average citizen.

A: Ms. Scott- They are an all crimes unit, therefore they treat all the crimes equally. They do have a focus on homeland security because that is why Fusion Centers were created. She stated that a citizen may not know how serious the crime is, therefore they ask that they provide information no matter what it is related to whether it is a drug case or terrorism case, etc.

Q: Representative Faircloth asked Ms. Scott if the national program “See Something Say Something” is part of their program.

A: Ms. Scott- Yes. Their community brochures and State Fair brochures include that slogan.

Q: Senator Rabin asked if they go out into the community, such as to PTA meetings or City Council Meetings and make presentations.

A: Mr. German- Yes. They have a community outreach program within ISAAC. Part of their responsibility is to go out to different communities and give the ISAAC presentation and provide additional training.

Q: Representative Faircloth asked Ms. Tanner for an example of what the background might be of an agent that is doing all the analysis work.

A: Ms. Tanner- Their Intelligence Analyst have a four year degree. They try to pull candidates from different areas with a variety of backgrounds. They have an analyst that has a non-sworn investigative experience, meaning they have experience with investigations without being sworn. They have analyst that have a strong background in the cyber world. They have analyst that have a background of working for the National Center for Missing and Exploited Children. Some may have experience working as a contract analyst for a Federal Agency prior to coming to work for them.

Q: Senator Rabin asked what they do to pre-empt or get ahead of crisis.

A: Ms. Roberts- Her job is to look through all the social media data bases to find key players, tactics and procedures. During the Silent Sam protest in Chapel Hill she was able to identify a key individual who was a known instigator. She was able to tell the UNC Chief of Police what he looked like and what he planning to do. They were able to identify him in the crowd and make an arrest immediately which dismantled the entire protest drawing everyone away from the stature and towards the command post.

Q: Senator Rabin asked if they have a formal training program to get into the Intel cycle to production of intelligence. Do you have a reliability code system like the military does A-F, 1-6?

A: Ms. Tanner- Yes. They vet all sources. The reliability and validity of the information and also the source of the information.

Q: Senator Rabin asked if they had an internal training program or do they use external sources to do the training.

A: Ms. Tanner- Both. They have an in house training on a lot of their internal systems, databases, formatting, their structure, and the way they produce documents. They also send analyst to outside training that is provided by Federal Agencies, other state agencies, and local agencies.

Q: Representative Faircloth asked if the military is involved with any of their training for their agents and analyst.

A: Mr. German- They have a National Guard Rep that is imbedded at ISAAC that does participate in their training.

Q: Senator Rabin asked about unsuccessful Fusion Center stories that they have learned lessons from. Did you foresee Charlotte happening?

A: Mr. German- Yes, he was with Lt. Col. Ward when the officer involved shooting occurred. They both knew they needed to be prepared and communicate with Charlotte Mecklenburg Police Department to offer their assistance.

Ms. Tanner stated that one of their challenges is jurisdiction. Senator Rabin commented that we did needed to get over the jurisdictional nonsense and get the job done when these things happen. His experience is that he learns more when he does it wrong than when he does it right. That is part of the preemption equation.

Q: Representative Boles referenced jurisdiction comment. He asked if they see something coming can they not act on it.

A: Ms. Tanner- It's not that they can't act if they know it is coming. They do have state wide jurisdiction. They try not to step on their partners. They call them, work with them, and try to encourage them to accept assistance from other agencies prior to something becoming too large. Mr. German commented that they need to emphasize that their Fusion Center does have local, state, and federal agencies housed there.

Q: Representative Pittman stated that he had seen a video of inmates with large amounts of money and drugs that they had in prison. He asked if they address the gang issue in prisons.

A: Mr. Smith- They have a task force office within the Fusion Center. Throughout the country they receive information about trade craft. Drones are being used to drop money and drugs into prisons. Pat downs are now required on all personnel before entering and exiting a prison. Drones are being used to get the illegal items in.

Q: Senator Rabin asked about their COEP programs. Who do you talk to in the communities about the threat of terrorism both domestic and international? What do you broadcast and tell people to be aware of?

A: Mr. Klem- ISSAC is a concrete item that we have to communicate with North Carolinians and the rest of the nation and are committed to do their best to mitigate the threat.

Q: Senator Rabin commented that his question had not been answered. Awareness in the community of the threat of terrorism is weak. People need to know locally what the threat is so they are prepared It should be part of the COEP.

A; Mr. Klem- They do outreach to some community groups as well as some of the faith based organizations. They respond to request, but agreed that more needs to be done.

Q: Senator Alexander asked if local gangs work together or are they primarily autonomous in their areas.

A: Mr. Guarino – They do on occasion which is fundamentality based on making money. Traditionally gangs fight with one another and have no interest in working together when they are competition for small drug markets and a small fraction of their business model. On occasion when it benefits them, the groups will work together. It is not only different blood groups, but Bloods and Crips with Mexican drug cartels, or Bloods with Crips, it goes across boundaries.

Q: Senator Rabin asked who ISAAC reports to.

A: Mr. German- ISAAC is run by the SBI. He is the Special Agent in charge of ISAAC and he reports directly to his Deputy Director of the SBI.

Senator Rabin requested that they let the Committee know what their needs and requirements are in order to get better. He commented that understanding the threat and what we are doing to try and get the information together is critical to what the Committee needs to do anything rational.

Q: Senator Alexander asked if they are running into a lot of out of state professional agitators that are bussed in to go fan flames at protest events.

A: Mr. German- He referenced the protest in North Dakota. Mr. German stated that over 85% of the protestors were professional protestors from out of state.

Local Law Enforcement and Emergency Management.

Pender County Sheriff Carson Smith, President of the North Carolina Sheriff's Association, and Eddie Caldwell, Executive Vice President and General Counsel of the North Carolina Sheriffs' Association. (See Presentation 2)

Q: Representative Speciale asked if the mutual aid agreements are standing agreements or are they done on a case by case basis. Also, why are they needed? Why can't law enforcement agencies work with any other law enforcement agency without these?

A: Sheriff Smith- If you call in a Deputy Sheriff from a neighboring county or a police officer from a town inside his county to help him, they will not have arrest power, and they will not have any law enforcement authority without a mutual aid agreement.

Q: Representative Speciale followed up by asking if the mutual aid agreements are standing agreements between jurisdictions or are they case by case or both.

A: Sheriff Smith- He has a mutual aid agreement signed now with Pender County Sheriff's office and New Hanover Sheriff's office. If an event happens that requires that mutual aid, a temporary request is made stating that they need assistance for that event. It has to be in writing.

Q: Representative Speciale clarified that the mutual aid agreement is a standing agreement, but when you need assistance, it has to be done on case by case basis?

A: Sheriff Smith- Yes, by a mutual aid request

Q: Senator Alexander asked if you can have a mutual aid agreement with all the Sheriffs in North Carolina.

A: Sheriff Smith – Right now, no. There are 300 or 400 police departments in the state, and 100 Sheriff Offices in the state. To have 400-500 mutual aid agreements that have to be maintained makes no sense. House Bill 388 will take that provision out. He has the agreements with the local agencies because in most situations he will be calling the closest agencies first.

Q: Senator Alexander asked if Pender County compensates New Hanover County for the expense of the Deputy Sheriffs.

A: Sheriff Smith – Pender County does not pay the expenses for New Hanover County assistance. There may be events that are so common that agencies have agreements where they determine both will work. The purpose of mutual aid is that if help is needed, you pay your officers to help the other agency, but they follow the commands as long as what they are asked to do is a lawful request. From a human resource respect, they are still New Hanover Deputies.

Q: Senator Alexander- If an agency is having budgetary issues, they may not send anyone?

A: Sheriff Smith- Just because the request is made, does not mean it will be fulfilled. Most of the cases they are able to send assistance.

Q: Senator Rabin asked if the written request for immediate response can be electronic or text message?

A: Sheriff Smith- Yes. It can be a DCI message or email. The law says written and that is all they need to do.

Mr. Caldwell addressed the Committee for the second half of their presentation. He stated that over decades the Attorney General's Office has consistently given the opinion that the written request can come after the resources are provided. If they receive an emergency call and the law enforcement has to respond immediately, the electronic message could be sent then or later. In terms of who pays, sometimes there is a big event going on and the people who are putting on the event pay for additional law enforcement resources. The county or city are reimbursed and then they reimburse the agency that provided personnel.

There were no committee questions for Mr. Caldwell.

Chief Brandon Zuidema, Garner Police Department, 1st Vice President, North Carolina Association of Chiefs of Police, Presented (See Presentation 3)

There were no committee questions for Chief Zuidema.

Emergency Management Update in Higher Education.

Mr. Brent Herron, Associate Vice President of Campus Safety & Emergency Operations, UNC General Administration. (See Presentation 4)

Q: Senator Alexander asked Mr. Herron what is red man blue man.

A: Mr. Herron- For training purposes, you dress up in a rubber suit with head gear, a mouth piece, and knee and elbow pads, in order to physically take someone down.

Q: Senator Alexander asked if there was a red suit and a blue suit or whoever is in the suit is the victim.

A: Mr. Herron – Red guy is usually the bad guy.

Q: Senator Alexander- Is everyone wearing a suit?

A: Mr. Herron- Whoever participates is wearing a suit.

Q: Senator Rabin asked if the two exercises per year were per school or a total for the 16 schools divided out.

A: Mr. Herron – Per school

Chief Jack Moorman, North Carolina State University Police Department, Presented (See Presentation 5)

Prior to his presentation, Chief Moorman stated the NC State football stadium has a capacity of 57,000 spectators. They are one of the largest venues in the eastern part of North Carolina with the exclusion of Bank of America Stadium and the Charlotte Motor Speedway. You are not going to have anywhere that has significantly more people gathered in one location on any given day than they have at NC State. Other area schools such as ECU and UNC are dealing with the same concerns too.

Q: Senator Alexander stated as a season ticket holder to NCSU games, he wanted to thank him and commend him for the safety they provide and the ease of parking at the stadium. He asked about past post-game celebrations when the gold post are torn down. What do you do if you have 25,000 students coming down to the field?

A: Chief Moorman – During the game they identify the areas that individuals are likely to come from onto the field. Typically it is from the student section. They move their personnel to the student section and identify the individuals that may be the instigators or most vocal. Their officers engage those individuals in conversation. They remind them that they have a no person allowed on the field policy. Also the PA announcer will make two announcements during the game reminding attendees that no one is allowed on the field. When they deploy their personnel, they are very deliberate about it. They bring additional personnel from the gates to the field. They will stagger them and hold them at the top of the stairs and then have them walk down 15 seconds apart. It creates an illusion that there are more personnel. It also lets the attendees know that they are prepared for anything. All officers that work the games wear reflective vest so they are more visible.

Q: Senator Rabin asked if they have an operation center in the stadium that shows what the cameras capture in real time.

A: Chief Moorman – Yes. Their chief camera operator sits by Chief Moorman. All interactions with officers are recorded. They receive 3 or 4 DVD's at the end of each game that contains all the camera recordings. They have that if needed for court or student conduct issues. If they receive communication such as a phone call from a fan that there is a problem in a certain section, they can turn the camera to that section to monitor.

Dr. Dennis Bazemore, Vice President for Student Life, Campbell University.

Captain Tim Lloyd, Director of Campus Safety and Deputy Sheriff, Harnett County.

(See Presentation 6)

Q: Representative Faircloth asked if there is a cooperative organization of private colleges that work together on campus safety.

A: Dr. Bazemore- They meet together as private schools, but they do not have it set up like the UNC system. They have their individual responsibility for campus safety. The campus safety officers within the independent colleges have meetings together to discuss campus safety.

Q: Senator Alexander asked about their process to protect the Campbell Law School in Raleigh.

A: Captain Lloyd- They are under the jurisdiction of the Raleigh Police Department, but they have the same communication as Campbell University in place in the event of an emergency. They work with the Raleigh Police Department about responding to the building, and have also hired security personnel that are familiar with the students and the layout of the building.

A: Dr. Bazemore added that there is a security company that provides security for that building too.

Senator Rabin thanked Dr. Bazemore and Captain Lloyd for presenting at the meeting. Campbell University is located in his district. He commented that he is glad to see the students involved in the training exercises.

Q: Senator Rabin asked if they are linked into ISAAC.

A: Captain Lloyd – The Sheriff’s office is linked into ISAAC.

Representative Faircloth commented that House Bill 670 is in the Senate now. It addresses making a threat concerning mass violence on educational property. It has passed in the House, and people in the universities would like to see it passed and signed into law. He asked that the Senate members present please take a look at the bill in hopes of getting it passed next spring.

There being no further business, the meeting adjourned at 12:06 PM.

Representative John Faircloth, Presiding

Rebecca Bauerband, Committee Clerk